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## Department of Toxic Substances Control

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Arnold Schwarzenegger  
Governor

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To All Interested Parties:

The Department of Toxic Substances Control (DTSC) will hold a workshop to solicit input on the development of regulations for the following topic:

### **Proposed Amendments to Class 1 Permit Modification Procedures: R – 2005 – 10**

The workshop will be held at the following time and place:

Date: January 11, 2006  
Time: 10:00 AM – 12:00 PM  
  
Location: CalEPA Building  
Conference Room 510  
1001 "I" Street  
Sacramento, California 95814

Note: Visitors must check in with security upon entering the CalEPA building. A conference call link will be available for any interested party unable to attend the workshop.

A DTSC representative will summarize the straw proposal, discuss alternatives considered, and the rationale used to develop the straw proposal. After the short presentation, DTSC will solicit comments and suggestions from attendees. Below is a brief background of the proposal:

Class 1 permit modifications are those that "...apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment." The Class 1 modifications that are the subject of these regulations are limited to "equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls)", as specified in existing regulations. These changes do not require DTSC approval.

California's Class 1 permit modification procedure currently requires the facility owner/operator to notify DTSC at least 30 days prior to conducting any equipment replacement, or when upgrading with functionally equivalent components. The parallel federal procedure requires the facility owner/operator to notify DTSC within seven days after any equipment replacement or upgrading with functionally equivalent components.

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Page 2

Equipment that fails may need immediate replacement. Equipment upgrades are an excellent option when replacement is needed, or may be desirable simply to improve the functioning of an existing waste management unit. When DTSC adopted the subject regulation in 1991, the 30-days-prior provision was adopted because DTSC wanted to be sure there was sufficient time to determine if the California Environmental Quality Act (CEQA) would apply to the proposed change. DTSC now believes that a CEQA determination is rarely necessary for this type of equipment change. Therefore, DTSC is proposing to adopt the federal timeframe that requires a notification be submitted within seven days after the equipment replacement or upgrades takes place. In addition, the proposed timeframe is consistent with recent California statutory changes (AB 1342, Chapter 577, effective January 1, 2006). The change would not apply to the primary hazardous waste management unit, such as replacement of a tank and/or changes to a secondary containment system, nor to any change that requires compliance with CEQA. The post-change notification would apply to the subject Class 1 modifications both for activities regulated and not regulated under the federal Resource Conservation Recovery Act.

To modify the notification timeframe, DTSC has prepared a “strawman” regulations text. The text is intended to be a concept for discussion and is not proposed regulatory language. All interested parties are encouraged to review the text and to provide comments. Additionally, DTSC has now established a listserver for activities associated with this proposed rulemaking. For information on how to subscribe to this listserver, please see the information at <http://www.calepa.ca.gov/Listservs/DTSC/>. Proposed regulatory language will be developed after DTSC has considered all the input received in the workshop. For more information on the proposal to amend the procedures for specified Class 1 permit modifications, please contact Jan Smith at (916) 324-0705 or [jsmith1@dtsc.ca.gov](mailto:jsmith1@dtsc.ca.gov).